

REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF
SUPERVISORS WAS HELD DECEMBER 16, 1997 AT 12:00 P.M. IN
WARRENTON, VIRGINIA.

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Wilbur W. Burton; Mr.
James R. Green, Jr.; Mr. Larry L. Weeks; Mr. G. Robert Lee, County
Administrator; Mr. Paul S. McCulla, County Attorney

FY 1999 PROPOSED BUDGET REDUCTIONS

A work session was held for the purpose of receiving the Fiscal Year 1999
Proposed Budget Reductions from the Finance Department.

SECONDARY ROADS IMPROVEMENT BUDGET AND SIX-YEAR PLAN

A work session was held to receive and discuss the Secondary Roads
Improvement Budget and Six-Year Plan for 1998 and to compare the 1998
priority list with the 1997 priority list.

VINT HILL FARMS STATION, PARCEL 10, USAGE BY SCHOOL BOARD

A work session was held to receive and discuss the School Board's future
use of Vint Hill Farms Station parcel 10.

PROCESS & PROCEDURE FOR FILLING THE CENTER DISTRICT BOARD OF SUPERVISORS VACANCY

A work session was held to discuss the process and procedure for filling
the Center District Board of Supervisors vacancy.

EXECUTIVE SESSION

Mr. Burton moved to go into Executive Session pursuant to Virginia Code
Section 2.1-344(A) (1) for discussion and consideration of prospective candidates
for appointment to the Center District Supervisor vacancy; Virginia Code Section
2.1-344(A) (3) for discussion or consideration of the acquisition of real property
for public purpose; and Virginia Code Section 2.1-344(A) (7) for consultation with
legal counsel and briefings by staff members or attorneys pertaining to actual or
probably litigation requiring the provision of legal advice by counsel. Mr. Green
seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

Upon reconvening from Executive Session, Mr. Burton moved to adopt the
following certification. Mr. Weeks seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 16th day of December 1997, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

EMPLOYEE AWARDS AT FAUQUIER HIGH SCHOOL CAFETERIA

The Board of Supervisors attended the Employee Awards and Recognition Program and presented length of service awards and recognized each recipient of the Employee of the Month Award.

The meeting was reconvened in regular session at 6:30 p.m. in the Fauquier High School Cafeteria.

A floral arrangement from the Town of Remington in memory of Mr. James G. Brumfield was acknowledged by Chairman Mangum. Additionally, there was a moment of silence in Mr. Brumfield's honor.

ADOPTION OF THE AGENDA

Pursuant to Section 4-10 of the Fauquier County Board of Supervisors 1997 Bylaws and Rules of Procedure, Mr. Weeks moved that Section 5-1 and Section 5-2 be suspended to permit amending the published agenda to include the following resolution for discussion and action: (1) A Resolution to Schedule an Adjourned Meeting of the Fauquier County Board of Supervisors. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Mr. Burton moved to adopt the amended agenda. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None

Absent During Vote: None
Abstention: None

CITIZENS TIME

No one spoke during Citizens Time.

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF
SUPERVISORS TO EXECUTE REVISED MEMO OF AGREEMENT TO
PROVIDE SEWER SERVICES TO LORD FAIRFAX COMMUNITY COLLEGE

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded,
and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James
R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF
SUPERVISORS TO EXECUTE A REVISED MEMORANDUM OF AGREEMENT
TO PROVIDE SEWER SERVICES

WHEREAS, the County of Fauquier has donated approximately 48 acres
of land located at the Corral Farm to the State Board for Community Colleges to
permit the enlargement of the Lord Fairfax Community College Fauquier
Campus; and

WHEREAS, the State Board for Community Colleges has begun
construction on new capital facilities for the Fauquier Campus of the Lord Fairfax
Community College System; and

WHEREAS, as part of the expansion of the Fauquier Campus of the Lord
Fairfax Community College System it is necessary for sewer services to be
extended to the campus; and

WHEREAS, the County of Fauquier, Town of Warrenton and State Board
for Community Colleges wish to memorialize their duties and obligations to
provide said sewer utility services to the aforesaid community college; and

WHEREAS, the Town of Warrenton and County of Fauquier executed a
proposed Memorandum of Agreement to Provide Sewer Services dated May 26,
1995; and

WHEREAS, the State Board for Community Colleges has requested certain
changes and modifications to the proposed agreement; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County, this 16th
day of December 1997, That the Chairman of the Board of Supervisors be, and
is hereby, authorized to execute a revised Memorandum of Agreement to
Provide Sewer Services in substantially the same form and format as attached
hereto and incorporated herein.

MEMORANDUM OF AGREEMENT

TO PROVIDE SEWER SERVICES

THIS MEMORANDUM OF AGREEMENT TO PROVIDE SEWER SERVICES, made this _____ day of _____, 19____, by and between the TOWN OF WARRENTON, a Virginia Municipal Corporation, party of the first part, hereinafter referred to at times as the "Town;" and THE FAUQUIER COUNTY BOARD OF SUPERVISORS, a body politic, party of the second part, hereinafter referred to at times as the "County;" and the STATE BOARD FOR COMMUNITY COLLEGES, an institution of higher education of the Commonwealth of Virginia, party of the third part, hereinafter referred to at times as the "Board."

W I T N E S S E T H:

WHEREAS, the Town is the owner and operator of wastewater treatment facilities and system of interceptors serving the area within the incorporated boundaries of the Town, and which has limited excess capacity beyond the present and projected future need of its citizens to serve certain outlying areas adjacent thereto designated as service districts pursuant to Section 15.1-876 of the Code of Virginia, 1950, as amended, and Section 17-181 of the Code of the Town of Warrenton (adopted January 5, 1988); and

WHEREAS, by resolution adopted June 2, 1987, the Town Council of the Town established, pursuant to Section 15.1-876 of the Code of Virginia of 1950, as amended, and Section 17-183 of the Code of the Town of Warrenton (adopted January 5, 1988), the reasonable fee for the provision of the described wastewater treatment services to properties located outside of the municipal boundaries at a rate which is calculated on a monthly basis as One Hundred Fifty percent (150%) of the current monthly rate for the wastewater treatment services established for in-town residential properties, hereinafter referred to as the Out of Town Rate, as regulated pursuant to Section 15.1-292.2 of the Code of Virginia of 1950, as amended; and

WHEREAS, the County owns certain property south of the corporate limits of the Town, generally described as Corral Farm containing two hundred thirty-five (235) acres, more or less; and

WHEREAS, the described property of the County is within the service area and responsibility for the exclusive provision of sewer service by the Fauquier County Water and Sanitation Authority; and

WHEREAS, it is a goal and objective of the Board of Supervisors of Fauquier County to support the location of Lord Fairfax Community College at Corral Farm to serve the citizens of Fauquier County and the Town of Warrenton by, but not limited to, the donation of 47.4176 acres to the State Board for Community Colleges to be used for the construction and operation of a community college to be known as Lord Fairfax Community College, Fauquier Campus; and

WHEREAS, the Board of Supervisors of Fauquier County intends to operate on the remainder of its property known as Corral Farm located to the south of the corporate limits of the Town, certain Public Activities, which include, but are not limited to, the operation of various athletic fields with maintenance building, concession buildings and restrooms, certain storage facilities for the Sheriff's office, Voting Machine storage office, a General Services Maintenance office, and a landfill/transfer station; and

WHEREAS, the Town wishes to further support the location and future operation of the Lord Fairfax Community College Fauquier Campus and the

Fauquier County Public Activities by the furnishing of sewer services to the Corral Farm property for the proposed Lord Fairfax Community College Fauquier Campus and the Fauquier County Public Activities exclusively; and

WHEREAS, the parties hereto wish to set out their understandings as to the responsibility for the construction, installation, and future maintenance of the facilities necessary to provide the described sewer service; and

WHEREAS, all parties acknowledge and agree that this is a specific sewer service agreement to provide for sewer service for Corral Farm property for the exclusive use of the proposed Lord Fairfax Community College Fauquier Campus and the Fauquier County Public Activities and does not constitute the Town of Warrenton operating as a utility service to provide sewer service to any of the described district either presently or in the future, nor to the facilities described herein in an amount exceeding the quantities of demand set out, nor to provide sewer service to the tract of land described for any use other than what is described herein; and

WHEREAS, all parties hereto acknowledge and agree that the Town of Warrenton was not previously obligated, nor pursuant to the terms and provisions of this Agreement, obligated, either presently or in the future, to provide sewer service to property outside of its corporate boundaries contained in the district identified as properties between, near, adjacent to the Corral Farm property of the County south of the Town's corporate boundaries; and

WHEREAS, all parties hereto fully understand the obligations, requirements, terms, conditions, scope and responsibilities concerning the sewer services as contained in this agreement.

NOW THEREFORE, FOR AND IN CONSIDERATION of the premises and of the covenants and obligations herein contained, the parties hereto covenant and agree, one to the other, as follows:

1. COUNTY OBLIGATION TO DESIGN AND CONSTRUCT:

The County agrees to design and construct at County's sole cost and expense a sewage collection and transmission system to serve the Corral Farm property south of the corporate limits of the Town of Warrenton for use by the Lord Fairfax Community College Fauquier Campus and in the said Fauquier County Public Activities. Such system shall include the connecting links between the Lord Fairfax Community College Fauquier Campus and a sewer pumping lift station to be constructed by the Town, at Town's sole cost and expense, within the corporate limits of the Town, near Turkey Run at a specific site to be selected in accordance with the best engineering decision practices. Said sewer collection and transmission system consists of sanitary sewers, force main, valves, sanitary sewer laterals, sanitary lateral clean-outs, a pumping lift station, overflow structures, wet wells, retention pond if necessary or desirable, controls and related appurtenances or facilities, and any and all integral or incidental parts necessary to connect the Lord Fairfax Community College Fauquier Campus service to the Town of Warrenton pumping station to be located at Turkey Run, including, but not limited to:

(A) Construction of a pumping lift station located at Corral Farm sufficient in size and capacity for the sewer demands of the described Lord Fairfax Community College Fauquier Campus and the Fauquier County Public Activities at the Corral Farm property including, but not limited to, the operation of various "athletic fields" with maintenance building, concession buildings and restrooms, certain storage facilities for the Sheriff's office, Voting Machine storage office, a General Services Maintenance office, and a landfill/transfer station.

(B) Installation of a forced sewer main from the Corral farm pumping lift

station to connect with the pump station to be constructed by the Town and located near Turkey Run and set out in paragraph (2) "Town Obligation to Design and Construct," of sufficient size to accommodate the sewer demands of the Lord Fairfax Community College Fauquier Campus and the described Fauquier County Public Activities at the Corral Farm.

1. TOWN OBLIGATION TO DESIGN AND CONSTRUCT:

The Town agrees to design and construct, at Town's sole cost and expense, a sewer pumping lift station at a site to be determined near Turkey Run of sufficient size and capacity to accept and transmit the sewage from the Lord Fairfax Community College Fauquier Campus and the described Fauquier County Public Activities at the Corral Farm property to the Town of Warrenton sewage treatment facilities.

2. CONSTRUCTION STANDARDS:

All engineering design and construction shall be performed subject to the approval of the Town and shall be in accordance with the regulations, requirements, and specifications contained in the Town's published Public Facilities Manual, and applicable ordinances of Fauquier County and the statutes of the Commonwealth of Virginia including any applicable policies and requirements of the Fauquier County Health Department.

3. EASEMENTS:

The County shall obtain and convey to the Town subject to its specific acceptance, the necessary easements, properties, rights and franchises relating and necessary to locate, install, connect, maintain and operate the wastewater treatment facilities provided herein to their intersection with the southern corporate limits of the Town at the Turkey Run pumping station to be constructed by the Town as described in paragraph Two (2) above. Should any portion of the waste treatment facility for which the County is obligated to construct and obtain the necessary easements, property, rights and franchises be located within the corporate limits of the Town, the Town will enter the necessary resolution or ordinance consenting to the County's condemnation of the land necessary to meet its obligations contained within this agreement.

4. SEWER SERVICE:

(A) The TOWN OF WARRENTON agrees to accept wastewater in an amount and capacity necessary to serve the anticipated demands of the academic institutional operation of Lord Fairfax Community College Fauquier Campus calculated as up to a maximum of Five Thousand (5,000) gallons per day. The STATE BOARD FOR COMMUNITY COLLEGES agrees to pay to the Town the monthly charges for said sewer services incurred by the Lord Fairfax Community College Fauquier Campus at the Out of Town rates established and in effect at the time of service. The Fauquier County Board of Supervisors agrees to pay to the Town the connection fees for 17 ERC's for said sewer services incurred by the Lord Fairfax Community College Fauquier Campus at the Out of Town rates established and in effect at the time of service.

(B) The TOWN OF WARRENTON agrees to accept wastewater in an amount and capacity necessary to serve the anticipated demands of the Fauquier County Public Activities located on the Corral Farm property calculated at a maximum of One Thousand, Eight Hundred (1,800) gallons per day. The FAUQUIER COUNTY BOARD OF SUPERVISORS agrees to pay to the Town the connection fees and monthly charges for said sewer services incurred by the Fauquier County Public Activities at the Out of Town rates established and in effect at the time of service.

1. PROPERTY SERVED:

The sewer capacity sold herein shall be used to provide wastewater collection

and treatment service to the described facilities located upon the following described real property:

See attached plat and metes and bounds
description attached as Exhibit "A"

These sewer connections shall not be transferable to any other property, but may be assigned to new owners of the above described property in the event of sale or other conveyance of the property, provided such new owners acquire the property subject to the terms and conditions of this agreement, and specifically, that the uses of the property to be served be specifically limited as set out herein.

2. MAINTENANCE OF FACILITIES:

(A) Town:

Once the sewer collection and transmission system is constructed and accepted for service, the TOWN OF WARRENTON will maintain the system from the collection facility up to and including the Turkey Run lift station.

(B) Board:

The STATE BOARD FOR COMMUNITY COLLEGES will maintain the sewer lines located on the Lord Fairfax Community College Fauquier Campus property providing dedicated service to the College facilities. The State Board for Community Colleges acknowledges and agrees that the Fauquier County Public Activities sewer line will tie into the sewer line to be located on the Lord Fairfax Community College Fauquier Campus at Manhole C as shown on the drawings entitled "Site Utility Plan C401 and C402" dated August 25, 1997, by SVERDRUP Corp.

(C) County:

The FAUQUIER COUNTY BOARD OF SUPERVISORS will maintain the system from the Turkey Run lift station to the Fauquier County Public Activities and to the Lord Fairfax Community College Fauquier Campus property.

1. OBLIGATIONS SUBJECT TO APPROPRIATIONS:

The obligations undertaken by the County under this agreement are subject to, and contingent upon, the appropriation by the Board of Supervisors of funds sufficient thereto. Should the County fail to appropriate such sufficient funds, this agreement shall be terminated as to all parties on the day in which the last appropriated funds are spent.

2. MODIFICATION IN WRITING:

No modification or waiver of any of the terms hereof, shall be valid unless in writing and signed by all parties. No waiver of any breach hereof or default hereunder shall be deemed a waiver of any subsequent breach or default of the same or similar nature.

3. GOVERNING LAW:

This agreement shall be construed in accordance with the laws of the Commonwealth of Virginia and the provisions hereof shall survive the delivery and recordation of any deeds or conveyances.

IN WITNESS WHEREOF, the following duly authorized signatures of the respective parties hereto, affixed upon duplicate copies hereof, on the date first above mentioned:

TOWN OF WARRENTON
a municipal corporation

DATE: _____ by _____ Town Manag

FAUQUIER COUNTY BOARD OF
SUPERVISORS, a body politic

DATE: _____ by _____ County Administra

STATE BOARD FOR COMMUNITY
COLLEGES

DATE: _____ by _____ Arnold R. Oliver, Secretar
to the State Board for
Community Colleges

APPROVED AS TO FORM:

APPROVED AS TO FORM:

C. Tabor Cronk Date County Attorney Date
Assistant Attorney General of Virginia

RECOMMEND APPROVAL:
DIVISION OF ENGINEERING AND
BUILDINGS

RECOMMEND APPROVAL:
DEPARTMENT OF GENERAL
SERVICES

by: _____ by _____
Director Director

APPROVED BY THE GOVERNOR:

Pursuant to §2.1-484 of the Code of Virginia, (1950) as amended, and by the authority delegated to me under Executive Order 31(94), dated October 1994, I hereby approve this Memorandum of Agreement to Provide Sewer Services and the execution of this instrument for and on behalf of the Governor of Virginia.

Secretary of Administration (Date)

A PROCLAMATION TO RECOGNIZE SALLY MURRAY FOR TWELVE YEARS
OF SERVICE AS EXECUTIVE DIRECTOR, CHAMBER OF COMMERCE AND
TOURISM COORDINATOR FOR THE VISITOR'S CENTER

Mr. Weeks moved to adopt the following proclamation. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James
R. Green, Jr.; Mr. Larry L. Weeks

Nays: None
Absent During Vote: None
Abstention: None

PROCLAMATION

A PROCLAMATION TO RECOGNIZE SALLY MURRAY FOR TWELVE YEARS OF SERVICE AS EXECUTIVE DIRECTOR, CHAMBER OF COMMERCE AND TOURISM COORDINATOR FOR THE VISITOR'S CENTER.

WHEREAS, Sally Fletcher Murray officially retires from the position of Executive Director of the Chamber of Commerce and Tourism Coordinator for the Visitor's Center on January 1, 1998; and

WHEREAS, Ms. Murray's boundless energy and tremendous spirit have been instrumental in bringing the Fauquier tourism industry to life and establishing the Chamber of Commerce as a business association that represents Fauquier County in a balanced way; and

WHEREAS, Ms. Murray worked with Town and County officials and spearheaded the effort to establish a Visitor's Center that would remain open seven days a week which, in turn, led to official certification in January 1996 under the State Tourism Accreditation Program, one of only thirteen Virginia localities so designated; and

WHEREAS, Ms. Murray provided the vision and ingenuity behind the "Twelve Days of Christmas Retail Program" run by Warrenton businesses for the past four years, the Fall Farm Tour which has just completed its second successful season, and the Civil War Trails project which will showcase additional County history; and

WHEREAS, Ms. Murray, through innovation, determination, and extraordinary effort assisted the Bluemont Concert Series to raise funds and in the process organized the Warrenton's Wonderful Working Women Fauquier's Fabulous Female Force (4W4F); and

WHEREAS, for all her contributions to Fauquier County and the Town of Warrenton, for her untiring spirit of cooperation, and for her deep appreciation for the citizens of this community, Ms. Murray was recognized as Citizen of the Year twice, first by the Board of Supervisors in 1994 and then by the Fauquier Times-Democrat in 1996; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 16th day of December 1997, That Sally Fletcher Murray be, and is hereby, commended for her service to the citizens of Fauquier County; and, be it

PROCLAIMED FURTHER, That the Board of Supervisors, on behalf of all citizens of Fauquier County, extends gratitude and best wishes to Sally Fletcher Murray for a most enjoyable retirement.

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO FILE, ON BEHALF OF THE BOARD OF SUPERVISORS, A PETITION FOR A WRIT OF ELECTION

Mr. Green moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY
TO FILE, ON BEHALF OF THE BOARD OF SUPERVISORS,
A PETITION FOR A WRIT OF ELECTION

WHEREAS, James G. Brumfield was elected to the Fauquier County Board of Supervisors as the Center Magisterial District Supervisor for a term of four years from January 1, 1996, through December 31, 1999; and

WHEREAS, on December 7, 1997, the Honorable James G. Brumfield departed this life; and

WHEREAS, the untimely death of the Honorable James G. Brumfield created a vacancy in the Center Magisterial District on the Board of Supervisors of Fauquier County; and

WHEREAS, Section 24.2-226 of the Code of Virginia provides that within 15 days of the occurrence of a vacancy, the Board of Supervisors shall petition the Circuit Court for the issuance of a Writ of Election to schedule an election to fill the vacant supervisor's seat for the unexpired term of the deceased member; now, therefore, be it

RESOLVED, by the Board of Supervisors of Fauquier County this 16th day of December 1997, That the County Attorney be, and is hereby, authorized to file on behalf of the Board of Supervisors of Fauquier County a Petition for the Issuance of a Writ of Election as required by Virginia §24.2-226.

A RESOLUTION APPOINTING AN INTERIM CENTER MAGISTERIAL
DISTRICT SUPERVISOR

Mr. Weeks moved to postpone any action on this item until the Adjourned Meeting to be held on Tuesday, December 23, 1997, at 7:00 p.m. in the Court and Office Building, 4th Floor Conference Room. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION RATIFYING THE CLOSURE OF THE FAUQUIER COUNTY
OFFICES FOR THE FUNERAL OF THE HONORABLE JAMES G. BRUMFIELD,
CENTER DISTRICT SUPERVISOR

Mr. Weeks moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None

Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION RATIFYING THE CLOSURE OF
THE FAUQUIER COUNTY OFFICES FOR THE
FUNERAL OF THE HONORABLE JAMES G. BRUMFIELD
CENTER DISTRICT SUPERVISOR

WHEREAS, James G. Brumfield was elected to the Fauquier County Board of Supervisors as the Center Magisterial District Supervisor for a term of four years from January 1, 1996, through December 31, 1999; and

WHEREAS, on December 7, 1997, the Honorable James G. Brumfield departed this life; and

WHEREAS, the Honorable James G. Brumfield had a long and distinguished career in the service of the citizens of Fauquier County, both in the school system and as the Center Magisterial District Supervisor; and

WHEREAS, it is right and fitting that the employees and public officials of Fauquier County should have the opportunity to pay their respects to the Honorable James G. Brumfield; now, therefore, be it

RESOLVED, by the Board of Supervisors of Fauquier County this 16th day of December 1997, That the action of the Chairman of the Board of Supervisors of Fauquier County in closing the County offices for a period of two hours and granting its employees leave during that period for purposes of attending the funeral of the Honorable James G. Brumfield, Center Magisterial District Supervisor be, and is hereby, ratified.

A RESOLUTION TO EXEMPT EMERGENCY COMMUNICATIONS
SPECIALISTS POSITIONS FROM THE HIRING FREEZE IMPLEMENTED
NOVEMBER 1, 1997

Mr. Weeks moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James
R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO EXEMPT EMERGENCY COMMUNICATIONS
SPECIALISTS POSITIONS FROM THE HIRING FREEZE IMPLEMENTED
NOVEMBER 1, 1997

WHEREAS, the Warrenton-Fauquier Joint Communications Center serves the Citizens of Fauquier County through E-911 telephone service and emergency Fire, Rescue, and Law Enforcement dispatch; and

WHEREAS, the Center needs to maintain a staff complement of sixteen

Emergency Communications Specialists to meet the minimum required staffing level to effectively operate the Center; and

WHEREAS, the Center has experienced an annual turnover of Emergency Communications Specialists that exceeds one-third of the authorized positions; and

WHEREAS, the Board of Supervisors implemented a hiring freeze on November 1, 1997; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 16th day of December 1997, That the Emergency Communications Specialist positions of the Warrenton-Fauquier Joint Communications Center be, and are hereby, exempt from the Board of Supervisors implemented November 1, 1997 hiring freeze.

A RESOLUTION AMENDING AND ADOPTING THE 1998 BY-LAWS AND RULES OF PROCEDURES OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WITH THE ADDITION OF SECTION 6.4 ENTITLED "COMMITTEE ATTENDANCE"

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION AMENDING AND ADOPTING THE 1998 BY-LAWS AND RULES OF PROCEDURES OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WITH THE ADDITION OF SECTION 6-4 ENTITLED "COMMITTEE ATTENDANCE"

WHEREAS, Section 6 of the By-Laws and Rules of Procedures of the Fauquier County Board of Supervisors permits the creation of standing and ad hoc committees of the Board of Supervisors; and

WHEREAS, the standing and ad hoc committees of the Board of Supervisors provide an essential function in assisting the Board of Supervisors in its conduct of the business of the County; and

WHEREAS, attendance of committee members at meetings is of paramount importance in ensuring the effective completion of committee business; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the Board of Supervisors in the conduct of its business to adopt rules of procedure regarding attendance by committee members at committee meetings; and

WHEREAS, the Board of Supervisors of Fauquier County wishes to adopt its By-Laws and Rules of Procedure for 1998 with the addition of Section 6.4 entitled "Committee Attendance;" now, therefore, be it

RESOLVED, by the Board of Supervisors of Fauquier County, this 16th day of

December 1997, That the 1998 By-Laws and Rules of Procedure of the Fauquier County Board of Supervisors, as amended by the addition of Section 6-4, entitled "Committee Attendance" be and are hereby adopted as the 1998 By-Laws and Rules of Procedure of the Board of Supervisors of Fauquier County as hereinafter set forth:

1998

BYLAWS AND RULES OF PROCEDURE

FAUQUIER COUNTY BOARD OF SUPERVISORS

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1 Purpose of Bylaws and Rules of Procedure

A. To enable County government to transact business expeditiously and efficiently;

B. To protect the rights of each individual;

C. To preserve a spirit of cooperation among Board members; and

D. To determine the pleasure of the Board on any matter.

Section 1-2 Five Basic Principles Underlying Bylaws and Rules of Procedure

A. Only one subject may claim the attention of the Board at one time;

B. Each item presented for consideration is entitled to full and free discussion;

C. Every member has rights equal to every other member;

D. The will of the majority must be carried out, and the rights of the minority must be preserved; and

E. The personality and desires of each member should be merged into the larger unit -- the Fauquier County Board of Supervisors.

SECTION 2 -- MEETINGS

Section 2-1 Regular Meetings

A. The time and place of regular meetings of the Board of Supervisors (hereinafter referred to as the Board) shall be established at the Board's annual organizational meeting. Regular meetings shall be held in the Board Meeting Room, Warren Green Building, 10 Hotel Street, Warrenton, Virginia on the first and third Tuesday of each month. The first regular monthly meeting agenda shall be devoted primarily to action/decision items and will begin at 9:30 a.m. The second regular monthly meeting agenda shall be devoted primarily to work sessions, public hearings, and policy formation discussions with work sessions and the regular session beginning at 6:30 p.m. The Board may, however, prescribe any other meeting place or time in compliance with Section 15.1-536 of the Code of Virginia (1950), as amended.

B. When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day.

Section 2-2 Special Meetings

A. The Board may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. Any two (2) members may call a special meeting of the Board in such a manner as prescribed by Section 15.1-538 of the Code of Virginia (1950), as amended. Only matters specified in the notice shall be considered unless all of the members of the Board are present. Where a special meeting has been called the Board shall give to the media and general public such notice of the time, place and purpose of the meeting as is feasible.

Section 2-3 Annual Organizational Meetings

A. The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. The County Administrator shall preside during the election of the Chairman of the Board.

B. The Chairman shall be elected at the annual meeting for a term of one year. The Chairman may succeed himself/herself in office.

C. Following the election of the Chairman, he/she will assume the chair and conduct the election of the Vice Chairman.

D. Following the election of the Vice Chairman, the Board shall:

1. Establish dates, times and places for the regular meetings;
2. Adopt its Bylaws and Rules of Procedure;
3. The Chairman shall make Board appointments to standing and ad hoc Board committees as required.

Section 2-4 Quorum and Method of Voting

A. At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a roll call vote. The Chairman may choose to have the vote by voice vote or by show of hands; however, if there is one "no" vote or one abstention the Board shall be polled and the name of each member voting and how he or she voted shall be recorded. Any member voting no or abstaining shall have the responsibility for asking for a roll call vote.

B. Members abstaining shall state for the record their reason for abstaining.

C. A tie vote fails, except as provided in Section 15.1-540 of the Code of Virginia (1950), as amended.

Section 2-5 Board to Sit In Open Session

A. The Board shall sit in open session and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Board may conduct Executive Sessions as permitted under the Virginia Freedom of Information Act.

Section 2-6 Executive Sessions

A. Executive sessions may only be convened in conformance with Section 2.1-344 of the Code of Virginia (1950), as amended.

B. No resolution, ordinance, rule, contract, regulation or motion agreed to in an Executive Session shall become effective until the Board reconvenes in an open session and takes a vote of the membership on such resolution, ordinance, rule, contract or regulation or motion which shall have its substance reasonably identified in the open meeting.

C. At the conclusion of an Executive Session, the Board shall reconvene in open session immediately thereafter and shall take a roll call vote certifying that to the best of each members' knowledge:

1. Only public business matters lawfully exempted from open session requirements were discussed; and

2. Only public business matters identified in the motion convening the Executive Session were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the vote, indicating the substance of the departure that, in his/her judgment, has taken place.

D. The failure of the certification to receive the affirmative vote of a majority of the members present during the Executive Session shall not affect the validity or confidentiality of the Executive Session with respect to matters considered therein in compliance with the Freedom of Information Act.

E. The Board may permit non-members to attend an Executive Session if their presence will reasonably aid the Board in its consideration of an issue.

SECTION 3 -- OFFICERS

Section 3-1 Chairman and Vice Chairman

A. The Chairman shall preside over all meetings of the Board of Supervisors. The Chairman shall appoint Board members to serve on standing committees and ad hoc committees established by the Board of Supervisors.

Section 3-2 Clerk

A. The Clerk of the Board shall be the County Administrator. The County Administrator may appoint one or more members of the County staff to serve as Deputy Clerk of the Board.

Section 3-3 Parliamentarian

A. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Procedure and Robert's Rules of Order as may be directed by the Chairman, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

Section 3-4 Preservation of Order

A. At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 4 -- CONDUCT OF BUSINESS

Section 4-1 Order of Business

A. The Board shall adopt an agenda, including a consent agenda, for each meeting by recorded vote of a majority of the Board members present. The adoption of the agenda shall be the first item for action following the Call To Order and Pledge of Allegiance.

Section 4-2 Consent Agenda

A. The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and placed on the Regular Agenda on recorded vote by a majority of the Board members present. Only one motion is necessary to adopt all recommendations and action items on the Consent Agenda.

Section 4-3 Citizens' Time

A. The Board shall set aside twenty (20) minutes for Citizens' Time on each regular Board Meeting Agenda. During this period the Board shall receive comment from any citizen on any non-agenda item or any agenda item not scheduled for public hearing by the Board provided that the Chairman prohibit or proscribe the use of obscenity or other speech tending to create a breach of the peace; and provided further that no individual citizen shall be permitted to address the Board for more than five (5) minutes. In the event that more than four (4) speakers wish to be heard during Citizens' Time, the Chairman shall allocate the aforesaid twenty (20) minutes among speakers in a equitable manner.

Section 4-4 Supervisors' Time

A. On each regular Board Meeting Agenda there shall be a period designated as Supervisors' Time, during which each Board member shall be entitled to unrestricted use of five (5) minutes for such purposes as each member of the Board deems appropriate. Matters discussed during Supervisors' Time shall not constitute formal agenda items unless the adopted agenda is amended by majority vote of the members present and voting.

Section 4-5 Board of Supervisors Meeting Agenda Submissions

A. Board agenda requests shall comply with the "Administrative Guidelines for Board of Supervisors' Agenda Items". This agenda item submission protocol is promulgated by the County Administrator's Office subject to review by the Board.

Section 4-6 Motions

A. No motion shall be discussed prior to being duly seconded in accordance with these Bylaws.

B. All motions shall be duly seconded before being voted.

C. When a question is under discussion, no motion shall be received unless it is one to amend, to commit, to postpone, for the previous question, for a substitute motion, a motion to lay on the table, or a motion to adjourn.

D. A maker of a motion may not speak against his motion.

E. No member may speak more than twice to the same motion.

F. No member may speak a second time on a motion until every member desiring to speak has spoken.

G. A substitute motion shall be allowed to any motion properly on the floor; it shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

H. When a vote upon any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side provided that such motion shall be made at the session of the Board at which it was decided or the immediate subsequent regular meeting. Such motion for reconsideration shall be decided by a majority of the votes of the members present.

I. In accordance with the Constitution of the Commonwealth of Virginia, a recorded affirmative vote of a majority of the entire Board shall be required to pass any ordinance or resolution imposing taxes, authorizing the borrowing of money, or appropriating funds in excess of \$500.00.

Section 4-7 Decisions on Points of Order

A. The Chairman, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian.

Section 4-8 Same; Appeal to Board

A. Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these Bylaws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

Section 4-9 Motion to Adjourn

A. At a meeting of the Board, a motion to adjourn shall always be in order.

Section 4-10 Suspending Rules

A. One or more of these Bylaws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

Section 4-11 Amendment of Rules

A. These Rules of Procedure may be amended by majority vote of the entire membership, provided that a proposed amendment may not be voted on unless a text thereof shall have been presented to the Board at a previous meeting at which the date for a vote on the proposal had been established. Such notice shall not be required for any amendment adopted at the annual meeting. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.

Section 4-12 Robert's Rules of Order

A. The proceedings of the Board, except as otherwise provided in the Bylaws and Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order, provided, however, that the rules governing small

assemblies contained in Robert's Rules of Order shall not apply.

SECTION 5 -- AGENDA

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 4-1 titled "Order of Business".

B. Board members may request that items be placed on the agenda by contacting the County Administrator at least ten (10) business days prior to the Board meeting for which they wish the item scheduled. The County Administrator shall place requested items on the agenda for the next regular meeting following the request, subject to Paragraph A. of this section.

C. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the next regular agenda for consideration.

Section 5-2 Delivery of Agenda

A. The agenda and related materials for regular Board meetings shall be received by each member of the Board and the County Attorney at least forty-eight (48) hours prior to the meeting.

Section 5-3 Copies

A. The Clerk of the Board shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public in the Office of the County Administrator. The Clerk shall also have copies available at each meeting. The Clerk shall post the agenda in such public places in the County as shall give the public as much notice of the agenda as is feasible.

Section 5-4 Comments, Queries of Board Members

A. Board members are to observe the following rules during the discussion of agenda items, public hearings excepted:

1. Comments of Board members must be constructive. The Chairman ensures that comments are constructive.

2. The Chairman keeps discussion germane to the subject. The Chairman rules other comments out of order.

SECTION 6 -- BOARD APPOINTMENTS

Section 6-1 Board of Supervisors Standing Committees

A. The Board, by majority vote, may establish standing committees of the Board (i.e. Personnel, Finance). Each standing committee, once established by the Board, shall consist of two members of the Board appointed by the Chairman at the annual organizational meeting or at the inception of the committee for new standing committees.

Section 6-2 Board of Supervisors Ad-Hoc Committees

A. The Board, by majority vote, may establish ad hoc committees. The

Chairman shall appoint Board members to serve on ad hoc committees. Ad hoc committee assignments can be made at the annual organizational meeting or at the inception of the committee for new ad hoc committees.

Section 6-3 Citizen Appointments

A. All appointments of citizens, other than members of the Board of Supervisors, shall be made by a majority vote of Board members present.

B. Unless specified by law or otherwise, all appointments of citizens shall be made at the first January meeting after the election of the Board of Supervisors and shall be for a term of four years.

Section 6.4 Committee Attendance

Members of any standing or ad hoc committee of the Board of Supervisors, or of any committee to which the Board of Supervisors appoints a member, shall attend every scheduled meeting of the committee to which they have been appointed. Any member of a committee who fails to attend a minimum of seventy-five percent (75%) of the scheduled meetings of the committee in any year shall be held to have forfeited his or her membership on the committee. It shall be the duty of the chairman of any board of supervisor's appointed committee to determine the level of attendance of committee members. Upon receipt of written notice from the chairman of any committee that a member has failed to attend at least seventy-five percent (75%) of the scheduled meetings of the committee, the clerk of the board of supervisors shall notify, in writing, the committee member of his removal from the committee based upon his or her failure to attend the required percentage of scheduled meetings and shall thank the member for his or her service to the community. In addition, the clerk to the board of supervisors shall place upon the agenda of the board of supervisors, a request to replace the member who has been removed. Replacement shall be made in the same manner as the original appointment and shall be for the remainder of the term for the committee member who has been removed. Upon the appointment of any committee member, the clerk to the board of supervisors shall forward to the member a copy of this section.

A RESOLUTION OF INTENT TO AMEND THE FAUQUIER COUNTY ZONING
MAP IN THE VILLAGE OF HUME TO REZONE PROPERTY OWNED BY T.
ROY WRIGHT, HAROLD N. WRIGHT AND OTHERS FROM VILLAGE
RESIDENTIAL TO VILLAGE COMMERCIAL

Mr. Green moved to adopt the following resolution. Mr. Weeks seconded,
and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James
R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION OF INTENT TO AMEND THE FAUQUIER COUNTY ZONING
MAP IN THE VILLAGE OF HUME TO REZONE PROPERTY OWNED BY T.
ROY WRIGHT, HAROLD N. WRIGHT AND OTHERS FROM VILLAGE
RESIDENTIAL TO VILLAGE COMMERCIAL

RESOLVED by the Fauquier County Board of Supervisors this 16th day of

December 1997, That the Board of Supervisors hereby initiates and states its intent to consider a rezoning amendment in the Village of Hume to rezone 1.250 acres identified by PIN #6928-56-5647-000 from V (Village Residential) to VC (Village Commercial); and be it

RESOLVED FURTHER, That the Planning Commission is requested to advertise and hold a public hearing on this proposed rezoning amendment and to submit its recommendation to the Board of Supervisors.

FOUR FUTURES STRATEGIC PLAN REPORT

The Board of Supervisors received a description of the proposed report from Rick Carr, Director of Community Development. Mr. Carr indicated that he would appreciate each Board member's selected participant's name by the end of December if the Board supported this effort. The Board unanimously agreed to support this project.

MELVIN AND MYRTLEE HELMICK SPECIAL EXCEPTION UPDATE

At the request of Mr. Melvin Helmick, Mr. Weeks moved to postpone action on the special exception request until January 20, 1998. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

A RESOLUTION TO SCHEDULE AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS

Mr. Weeks moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION TO SCHEDULE AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS

BE IT RESOLVED by the Fauquier County Board of Supervisors this 16th day of December 1997, That an adjourned meeting of the Fauquier County Board of Supervisors be, and is hereby, scheduled for Tuesday, December 23, 1997, at 7:00 p.m. in the 4th Floor Conference Room of the Circuit Court and Office Building for the purpose of considering an appointment to the vacant seat on the Board of Supervisors representing Center District.

SUPERVISORS TIME

Mr. Burton praised the Board for its unanimous voting throughout the evening and hoped that it continued throughout 1998.

Mr. Weeks had no comments.

Mr. Green acknowledged and appreciated Mr. Burton's comments.

Mr. Mangum indicated that he and G. Robert Lee would be attending a meeting in Richmond on Friday, December 19, 1997, regarding rapid population pressures.

ANNOUNCEMENTS

There were no announcements.

PROPOSED TRANSFER OF DEFEASIBLE FEE SIMPLE INTEREST IN LOTS 11 AND 12 AND A PORTION OF LOTS 18 AND 6B OF THE FLETCHER SUBDIVISION TO FAUQUIER FAMILY SHELTER SERVICES, INC.

A public hearing was held to consider the proposed transfer of defeasible fee simple interest in Lots 11 and 12 and a portion of Lots 18 and 6B of the Fletcher Subdivision to Fauquier Family Shelter Services, Inc. The subject property is located on Lee Street in the Town of Warrenton, PIN 6984-23-9721, #6984-23-9669, and a portion of PIN #6984-23-9821 and #6894-33-0805, Center District. The public hearing was opened. Reverend John Chadsey, Gary Oliveri, Joe Winkelman, Jan Selbo, Janie Ericson, Randy Ferrell, Jamie Kent, Dennis Pyles, and Bruce Jamison spoke in favor of the request. Jane Noland spoke in opposition for several neighbors and herself. Wilma Moffette acknowledged that she was one of the opposing neighbors that Jane Noland was speaking for. Mr. Burton moved to table any action until January 20, 1998 when the Center District citizens would have proper representation. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

There being no further business, the meeting was adjourned.